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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/748,724   | 12/30/2003  | Fred Ciaramitaro     | STA 0299 PUS1       | 7532             |
| 22045  | 7590        | 03/16/2005           | EXAMINER            |                  |
| BROOKS KUSHMAN P.C.<br>1000 TOWN CENTER<br>TWENTY-SECOND FLOOR<br>SOUTHFIELD, MI 48075 |             |                      | YAN, REN LUO        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2854                |                  |

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/748,724 | <b>Applicant(s)</b><br>CIARAMITARO ET AL. |  |
|                              | <b>Examiner</b><br>Ren L. Yan        | <b>Art Unit</b><br>2854                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-24 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-22-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers(5,914,176) in view of Krasuski et al(4,840,696). The patent to Myers teaches the method of making an appliqué for applying a printed fabric pattern to an object as claimed including the steps of providing an unprinted substrate 1 for printing a design thereon, cutting the substrate to form a predetermined shape and to form registration holes 5 and 6 on the substrate, printing the fabric pattern on the substrate to define a printed substrate having the printed fabric pattern, and drying the printed substrate at a predetermined temperature and time period. See Figs. 1-3 and column 2, line 62 through column 4, line 5 in Myers for details. However, Myers teaches to print the substrate first and then cut the printed substrate to the desired shape as opposed to the other way around as presently recited. Krasuski et al teach in a label dispensing and printing apparatus the conventionality of cutting the label to a desired label length first and then deliver the label to the printer for printing. See column 1, lines 40-52 in Krasuski et al for example. It would have been obvious to one of ordinary skill in the art to provide the method of Myers with the step of cutting the substrate to the desired length first and then deliver the substrate to the printer to be printed as taught by Krasuski et al so as to ensure only substrate of suitable length is delivered to the printer.

Claims 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers in view of Krasuski et al as applied to claim 19 above, and further in view of Vesey(6,455,752). Myers, as modified by Krasuski et al, teaches the use of a pressure sensitive adhesive layer 4 on the non-printed side of the substrate 1. However, the applied prior art does not show the use of a release layer covering the adhesive layer. Vesey teaches a decorative stickers including a decorative pattern 14 printed on an upper surface 17 of a substrate 16, the lower surface 18 of the substrate 16 carries a pressure sensitive adhesive layer 13, and a release layer 15 is attached to the adhesive layer 13. Vesey also teaches to kiss-cut the printed sticker without cutting through the release layer 15. See Figs. 4-6 and the paragraph bridging columns 5 and 6 in Vesey for example. In view of the teaching of Vesey, it would have been obvious to one of ordinary skill in the art to provide the adhesive layer in the substrate of Myers, as modified by Krasuski et al with a release layer for protecting the adhesive layer and to kiss-cut the fabric pattern without cutting through the release layer in order to facilitate removal the printed fabric from the release layer and attaching the removed fabric to an object. With respect to claim 23, Myers teaches to cure the printed ink on the fabric using temperatures to 400 degrees Fahrenheit. However, the time period is not given. It would have been obvious to those having ordinary skill in the art to maintain the temperature for curing the ink at a time period suitable until the printed ink is cured.

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement indicating allowable subject matter:

The claimed method steps of printing the first, second, third and fourth portion on the fabric layer in a manner as defined in claim 25 is not taught or suggested by the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ren L Yan  
Primary Examiner  
Art Unit 2854

Ren Yan  
March 11, 2005